

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF ALABAMA  
EASTERN DIVISION

CHRISTOPHER B. EILAND, DVM, MS,  
Plaintiff,

VS. CIVIL ACTION

FILE NO. 2005-CV-459-VPM

DR. BYRON L. BLAGBURN, individually  
and in his official capacity, DR.  
CHARLES HENDRIX, individually and in  
his official capacity, DR. JOSEPH JANICKI,  
individually and in his official capacity,  
DR. STEPHEN McFARLAND, individually and in  
his official capacity, DR. ED RICHARDSON,  
in his official capacity as President of  
Auburn University, and DR. LAUREN WOLFE,  
individually and in his official capacity,

Defendants.

**ORIGINAL**

VOLUME II

CONTINUED DEPOSITION OF CHRISTOPHER B.

**EILAND, DVM, MS**, taken on behalf of the Plaintiff,  
pursuant to the stipulations set forth herein,  
before Jeana S. Boggs, Certified Court Reporter and  
Notary Public, at the law offices of Kathryn Dickey,  
LLC, 322 Alabama Street, Suite B, Montgomery,  
Alabama, commencing at approximately 9:13 a.m.,  
Monday, June 12, 2006.

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APPEARANCES OF COUNSEL

FOR THE PLAINTIFF:

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334.834.6500

\* \* \*

Defendant's Exhibit No. 12.....14  
Defendant's Exhibit No. 15.....132

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STIPULATION

It is hereby stipulated and agreed by and between counsel for the respective parties and the witness that the deposition of CHRISTOPHER B. EILAND, DVM, MS, is taken pursuant to notice and stipulation on behalf of the Plaintiff; that all formalities with respect to procedural requirements are waived; that said deposition may be taken before Jeana S. Boggs, Certified Professional Reporter and Notary Public in and for the State of Alabama At Large, without the formality of a commission; that objections to questions, other than objections as to the form of the questions, need not be made at this time, but may be reserved for a ruling at such time as the deposition may be offered in evidence or used for any other purpose as provided for by the Federal Rules of Civil Procedure.

It is further stipulated and agreed by and between counsel representing the parties in this case that the filing of the deposition of CHRISTOPHER B. EILAND, DVM, MS, is hereby waived and that said deposition may be introduced at the trial

1 of this case or used in any other manner by either  
2 party hereto provided for by the Statute, regardless  
3 of the waiving of the filing of same.

4 It is further stipulated and agreed by and  
5 between the parties hereto and the witness that the  
6 signature of the witness to this deposition is  
7 hereby waived.

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1 CHRISTOPHER B. EILAND, DVM, MS,  
2 of lawful age, having been first duly sworn, was  
3 examined and testified as follows:  
4

5 DIRECT EXAMINATION

6 BY MR. KNIGHT:

7 Q Okay. Chris, you understand this is a  
8 continuation of the last deposition. The  
9 same rules will apply that we went over last  
10 time, usual stipulations. Chris, if you  
11 don't understand something, let me know.  
12 I'll re-ask it. If you don't ask me to  
13 re-ask the question, I'll assume that you  
14 understand it.

15 A Okay.

16 Q Okay. Let's get right down to it. Your  
17 December 5th, 2003, meeting with Doctor  
18 Wolfe, tell me, as best you can, exactly  
19 what was said in that meeting.

20 A All right. After I was dismissed by Doctor  
21 Blagburn on December 3rd, he told me when he  
22 left the meeting that if I had any problems  
23 to take it up with Doctor Wolfe. That

1 Doctor Wolfe was the one who told him to get  
2 rid of me. And so, I went in there to talk  
3 to Doctor Wolfe about that.

4 I told Doctor Wolfe what had  
5 happened in the meeting with Doctor  
6 Blagburn, and he didn't act surprised. He  
7 acted like that -- you know, that I asked  
8 him, you know, about the cheating incident,  
9 and he said that he had heard that from  
10 Doctor Janicki, and that it came from the  
11 top, and we didn't question it. He said --  
12 I told him that I didn't want to leave or to  
13 be kicked out, that I wanted to stay and  
14 finish my research and finish my PhD. And  
15 he said that, you know, maybe we'd look back  
16 on this, and it would all be for the best.  
17 And when I tried to talk to him about that  
18 this wasn't right, that this wasn't fair, he  
19 kind of just ignored those concerns, and  
20 told me that if I had any questions about  
21 the cheating, that I needed to take that up  
22 with Doctor Janicki. But that, you know, he  
23 wished me the best of luck. And that my --

1        pretty much my PhD aspirations were ended --  
2        had ended.

3        Q    He never told you expressly, "Chris, you're  
4        kicked out of the PhD program," correct?

5        A    I mean, in his actions and his tones. He  
6        might not have said those exact words, but  
7        when I asked him, you know, am I going to be  
8        able to stay in my program, and, you know,  
9        is there any way I can finish, he said,  
10       "No." So...

11       Q    He never expressly said, "Chris, you're  
12       kicked out of the PhD program"?

13       A    I don't remember him saying those words  
14       exactly like that.

15       Q    Okay. You're saying that you're speculating  
16       as to the actions and his -- the intent  
17       behind what he was saying suggested that you  
18       were kicked out; is that correct?

19       A    I'm saying that, you know, when I told him  
20       what Doctor Blagburn had said, that they  
21       were getting rid of me, he said, you know,  
22       that that's what he wanted was to get rid of  
23       me.

1 Q He never -- Did he make a distinction  
2 between Doctor Blagburn getting -- or  
3 resigning from your major professor, which I  
4 know that you're disputing between that, the  
5 Department of Pathobiology and the PhD  
6 program?

7 A They gave me no other options besides me  
8 leaving Auburn and not finishing my PhD  
9 program.

10 Q Did you ever ask him whether you could  
11 continue the PhD program with another major  
12 professor?

13 A I asked him if there was any other solution  
14 than getting rid of me. And I might have  
15 said: Could I go to another department,  
16 could I have another major professor. And  
17 he was, "No." He thought that I really  
18 didn't want to finish my PhD, and that it  
19 would be for the best if I didn't finish my  
20 PhD.

21 Q You're not sure if you asked that exact  
22 question, though, are you Chris?

23 A What? What's that?



1 Q Whether you could go to another department.

2 A Oh, I'm pretty -- I'm sure that I did talk  
3 to him about that. I gave other solutions  
4 than me leaving.

5 Q And what were those solutions?

6 A To either report to another major professor  
7 or go to another department and have  
8 somebody else besides them, Doctor Blagburn  
9 and Wolfe, be in charge of me.

10 Q Okay. And what was his response to that?

11 A That that wasn't an option.

12 Q Is that what you remember him expressly  
13 saying or is that the implication that you  
14 got from other things that he may have said?

15 A That's what I remember him saying, that  
16 wasn't an option.

17 Q Okay. Did you ask why it wasn't an option?

18 A I don't recall asking why.

19 Q Okay. How did this meeting end?

20 A That he wished me the best of luck in my  
21 future endeavors and career; and that if I  
22 wanted to discuss the cheating incident any  
23 further, to take that up with Doctor

1 Janicki.

2 Q Okay. And for the record, who is Doctor  
3 Wolfe?

4 A Doctor Wolfe was the head of the Department  
5 of Pathobiology.

6 Q Okay.

7 A And to my knowledge, he is the point of  
8 contact for the graduate programs for all  
9 the departments for your PhD and biomedical  
10 sciences.

11 Q Well, who is Doctor Janicki?

12 A I think his title is the Associate Dean of  
13 Graduate Research.

14 Q Okay. And Doctor McFarland?

15 A He is the Dean of the Graduate School, and  
16 then also may serve some time at the  
17 Provost.

18 Q Okay. You don't think Doctor McFarland, as  
19 the point of contact, he has the authority  
20 over the graduate school over -- as opposed  
21 to Doctor Wolfe?

22 A I'm not understanding that question.

23 Q Is Doctor McFarland, he's higher in the

1 hierarchy within the graduate school,  
2 correct?

3 A Doctor McFarland is the Dean of the Graduate  
4 School at the College of Veterinary Medicine  
5 for the different departments. The point of  
6 contact the PhD in biomedical sciences for  
7 each department, Doctor Wolfe is in charge  
8 of those.

9 Q Okay. And not just the Department of  
10 Pathobiology?

11 A To my knowledge.

12 Q Okay. And what's this knowledge based on?

13 A Auburn University's information that they  
14 put out.

15 Q Okay. What information?

16 A Well, it can be found on their web site.

17 Q I'm -- Specifically, where did you get this  
18 information?

19 A From their web site.

20 Q Do you recall what kind of document on their  
21 web site, or where it was on their web site?

22 A Yeah. It says, you know, when you're  
23 following up graduate studies and you're

1 looking for a graduate program in biomedical  
2 sciences for graduate students and you look  
3 for the point of contact for the different  
4 departments, it has that information there.

5 Q Okay. Chris, you had not officially  
6 established an advisory committee in your  
7 PhD program, had you?

8 A I don't know what you mean by "officially."

9 Q Well, you had no advisory committee.

10 A My advisory committee was going to remain  
11 the same at the meeting in August when I was  
12 defending my Master's thesis. And when I  
13 was done with that and that was completed,  
14 Doctor Blagburn asked all the people on my  
15 committee -- Doctor Newton, Doctor Spencer,  
16 and Doctor Dillon -- he notified them that  
17 he was going to stay on as my major  
18 professor, and asked if they would all stay  
19 on as members of my committee, and they all  
20 agreed, yes.

21 Q Was that in your presence? Were you at that  
22 meeting?

23 A Yes.

1 Q Okay. That was oral agreement? They all  
2 said yes?

3 A Right.

4 Q Okay. You never had that put in writing  
5 anywhere, correct or documented?

6 A I didn't think that I needed it to be  
7 documented at that time. There is a  
8 deadline for that, and it was -- it was not  
9 right at that moment that had to be done.

10 Q Okay. You understand, or there is a time  
11 where it has to be -- there's a form you  
12 have to fill out which has to be signed,  
13 correct?

14 A There are forms that when -- At some point,  
15 there's a checklist that you have to follow.  
16 And by a certain amount of time, you need to  
17 turn this in. And, like, three out of the  
18 four committee members have to sign it and  
19 okay your plan of study. And so, they would  
20 have to sign it at that point.

21 Q Okay. And there's a deadline for that as  
22 you say?

23 A (Witness nodding in the affirmative.)

1 Q Do you know when that deadline is?

2 A Not exactly.

3 Q Okay. Did you ever get that document with  
4 three out of the four signatures on there?

5 A By December 3rd, no.

6 Q Okay. I'm going to show you a document.  
7 This was produced by you, and we'll mark it  
8 as Defendant's Exhibit 12.

9 (At which time, the  
10 referred-to document was  
11 marked as Defendant's Exhibit  
12 No. 12 by the Reporter.)

13 Q Is that the type document that needs to be  
14 signed that you were referring to earlier?  
15 And can you just tell me what that is?

16 A This is a tentative plan of study that lists  
17 who the graduate student is, what program,  
18 doctor of philosophy they are enrolled, and  
19 who is on their advisory committee.

20 Q Okay. And that -- that is the document that  
21 would be signed by each of those people in  
22 order to officially establish the advisory  
23 committee?

1 A Yeah.

2 Q Okay.

3 A I mean, this is what's needed to turn in  
4 with a plan of study.

5 Q Right. Okay. And that's not signed by  
6 anyone, is it?

7 A No.

8 Q Okay. Is there any other document that you  
9 can remember now that you couldn't find  
10 earlier that is signed by those people?

11 A For my PhD program --

12 Q Correct.

13 A -- they never signed anything.

14 Q So, we can agree that if there's never the  
15 required three or four signatures, if you  
16 never got that, we can agree that there has  
17 not been officially established an advisory  
18 committee for your PhD program.

19 A Their verbal commitment was official enough  
20 for me. This is just a requirement that you  
21 send to the graduate school. But them  
22 saying they were going to serve on my  
23 committee was official enough for me.

1 Q It was official for you to believe that they  
2 were going to do that, correct?

3 A Or on my committee.

4 Q Well, am I not correct that the rules and  
5 policies of Auburn require that there be a  
6 signed document like that with three or four  
7 signatures to officially establish the  
8 advisory committee?

9 A At some point this document has to be turned  
10 in, but I don't know that it's needed to  
11 officially establish your committee.

12 Q Right. You don't know one way or the other  
13 on that, correct?

14 A I'm telling you that when they gave me their  
15 word they were going to be on my committee,  
16 they can have committee meetings, and we can  
17 go and talk to the committee and plan things  
18 without this being signed.

19 Q Correct.

20 A So, we can have committee meetings. And my  
21 committee, who the people are serving on  
22 that committee, can meet, and they're  
23 officially members without this being



1 signed.

2 Q Did they have any committee meetings?

3 A For the PhD program and fall semester, no.

4 Q Okay. You can't dispute, though, correct,  
5 that you are just not familiar with the  
6 official policy of Auburn whether they  
7 require that to be signed to officially  
8 establish your advisory committee?

9 A I'm sorry?

10 Q Are you aware one way or the other of  
11 Auburn's policy? It sounds to me like  
12 you're saying that when they told me that  
13 they would, that was official enough for me.  
14 But you don't know Auburn's official policy  
15 with regard to that, correct?

16 A I'm saying that they said they'd serve on my  
17 committee, and at some point this needs to  
18 be turned in. But there was no official  
19 rule that said they couldn't serve on my  
20 committee before we turn this in.

21 Q Okay. And that was never turned in,  
22 correct? It was never signed.

23 A That's correct. I'm supposed to turn that

1 in at some point.

2 Q Okay. Okay. Let's talk about your -- the  
3 grievances that you attempted to file. Can  
4 you tell me just what were your grievances?

5 A I had a couple of grievances. The first  
6 being that I was being dismissed from my  
7 graduate studies assistantship program by  
8 Doctor Blagburn and Wolfe. And they were  
9 telling me that they were getting rid of me,  
10 that I was leaving; and that I didn't get a  
11 hearing on the things that they brought up,  
12 like cheating and some other allegations. I  
13 never got a hearing on those things. That  
14 was one of my main grievances was I thought  
15 I was entitled to a hearing before they made  
16 an action on these, that I was being treated  
17 as guilty and not given a chance to be  
18 proven innocent.

19 Q Any other grievance?

20 A That was my main grievance.

21 Q Okay. That was your only grievance?

22 A Well, I had other grievances that I think I  
23 might have listed. But to my knowledge

1 right now, they're not jumping to my mind.

2 If you will give me a second to think.

3 Q Okay. Was part of this lawsuit -- is there  
4 one grievance or one aspect of the  
5 grievances that you're pursuing that you're  
6 saying, now, I'm entitled to relief as part  
7 of this lawsuit because the grievance  
8 related to your alleged dismissal from the  
9 program? Is that the only thing that you're  
10 pursuing related to your grievances?

11 A I'm not understanding what you are saying.

12 Q I mean, you have a claim -- Part of this  
13 lawsuit involves a claim that you were  
14 denied due process. And you claim that you  
15 were denied due process because you were not  
16 given a hearing. Can you say yes or no?

17 I'm sorry. Can you -- You're nodding.

18 A I'm taking in what you're saying.

19 Q Okay.

20 A Are you asking a yes or no question?

21 Q Well, I thought I was, yeah.

22 A Okay.

23 Q Part of your lawsuit relates to -- it's a

1 due process claim, correct?

2 A True, yes.

3 Q Okay. And you claim that you were denied  
4 due process because you were not given a  
5 hearing before your alleged dismissal from  
6 the PhD program, correct?

7 A That sounds correct.

8 Q Okay. And now as part of this lawsuit, it's  
9 a due process claim related to that failure  
10 to give you a hearing before that action was  
11 taken; is that correct? Okay.

12 A It sounds correct.

13 Q Okay. I think you filed another grievance  
14 or you indicated that you wanted to file  
15 another grievance related to events  
16 surrounding the grade change thing that  
17 occurred within the experimental statistic  
18 scores, correct?

19 A That -- I brought up that issue in my  
20 grievance, but as I stated in that, I think  
21 that I said that that wasn't really a  
22 grievance I was trying to file. That  
23 looking at the rules of grievances, that was

1 all that I could find that would relate to  
2 what had happened to me. That there wasn't  
3 a specific grievance for them calling you  
4 in, not giving you a chance to defend  
5 yourself, saying that the head of the  
6 department said to let you go, and we're  
7 going to let you go. My grievance -- I  
8 couldn't find a rule that would cover that  
9 grievance. And so, I listed other  
10 grievances.

11 Q Okay.

12 A But that was the main grievance that I  
13 wanted addressed that was never really  
14 addressed.

15 Q Okay. Was part of this lawsuit you're not,  
16 then, pursuing a claim -- a due process  
17 claim or any claim related to the events  
18 surrounding the experimental statistics  
19 grade, correct?

20 A I think that this case should cover all the  
21 things that happened after that dismissal  
22 meeting on December 3rd. Anything that  
23 happened due to my wrongful dismissal, any

1 effect that that had on me.

2 Q Okay. You claim that your grievance related  
3 to your dismissal, your perceived dismissal,  
4 from the PhD program was never heard,  
5 correct?

6 A That's correct.

7 Q Okay. Were you ever given a reason why your  
8 grievance was not heard?

9 A To my knowledge, no.

10 Q Okay.

11 A I was never given a reason.

12 Q I'm showing you what's marked as Defendant's  
13 Exhibit Nine. Do you recognize that?

14 A Yes.

15 Q Okay. Can you tell me what that is?

16 A It's rules from the Tiger Cub.

17 Q Related to what?

18 A It looks like it's just got the policies  
19 about student academic grievances.

20 Q Okay. Were those the rules that were in  
21 place at the time you filed your grievance  
22 or attempted to file your grievance?

23 A For academic grievance, yes.

1 Q Okay. Did you review that document before  
2 you attempted to file your grievance?

3 A Yes.

4 Q Okay. And those are the procedures that  
5 governed the grievance that you attempted to  
6 file?

7 A This would cover the grade change grievance  
8 because it's an academic grievance. It  
9 doesn't cover a dismissal grievance or the  
10 failure to be heard on the charges they  
11 brought against me. The only thing that  
12 this would cover would be an academic  
13 grievance.

14 Q Okay. Where -- And what are you basing that  
15 last statement on?

16 A That's -- To my understanding of it is that  
17 it covers --

18 Q It's based on your reading of it?

19 A Right. It covers academics.

20 Q What policy or what provision of that are  
21 you basing that on?

22 A That it's the student academic grievance  
23 policy, and a lot of what it touches on

1 deals with grades or course work or a  
2 certain course.

3 Q You did not consider that your situation to  
4 be an academic grievance?

5 A Partially.

6 Q Okay. So, this could apply in that  
7 situation -- in your situation, correct?

8 A This policy and everything don't cover --  
9 does not cover the majority of my grievance.  
10 It talks about -- right here it says, "When  
11 a student believes he or she has an academic  
12 grievance," and then when it talks about the  
13 different steps, it doesn't cover a  
14 grievance of dismissal by a department head.

15 Q What does --

16 A -- telling a major professor to get rid of a  
17 graduate student, and that they would no  
18 longer be allowed to have access to the  
19 research, and wouldn't have a chance to  
20 defend themselves against certain charges.

21 Q What does it -- doesn't expressly set out  
22 every type grievance that can be filed under  
23 that, does it?



1 A I'm sorry?

2 Q It doesn't -- that -- It's not intended to  
3 cover every type grievance imaginable,  
4 correct?

5 A I'm not sure what it's meant to cover.

6 Q What -- Are there other grievance  
7 procedures, policies, set out elsewhere  
8 within Auburn? Does Auburn have other  
9 policies and procedures related to  
10 grievances that would apply in your  
11 situation, in your opinion?

12 A I'm not sure.

13 Q Okay. Well, what -- How do you think that  
14 your grievance should have been heard? I  
15 mean, what steps do you think -- Let me ask  
16 you this: Did you want a hearing in front  
17 of the student grievance committee?

18 A It's not that I wanted that. I wanted a  
19 hearing of someone in charge or to cover  
20 what had occurred, and that was to go over  
21 with my major professor there, Doctor  
22 Blagburn and Wolfe, and let them tell what  
23 they're trying to do to me; that being get

1 rid of me, or I was being dismissed based on  
2 these accusations --

3 Q Chris, you said --

4 A I was talking. I was talking.

5 Q You're going outside of the scope --

6 A I know what I'm saying.

7 Q -- of what I asked you, Chris.

8 A I'm not sure -- What was your question  
9 again?

10 Q Okay. You sent a letter to the student  
11 grievance committee, correct, or tried to  
12 send a letter to the student grievance  
13 committee. Defendant's Exhibit Ten has  
14 student grievance at the top, correct?

15 A It does say a student grievance.

16 Q That's written by you? You wrote that  
17 letter?

18 A Yes, I wrote this letter.

19 Q Okay. Are you saying it's not correct that  
20 you did not try to file a grievance with a  
21 student academic grievance committee?

22 A I was filing a student grievance, and that's  
23 why I put student grievance and not student

1 academic grievance. Because it's a  
2 grievance that I'm not sure is one hundred  
3 (100%) percent covered by the student  
4 academic grievance committee, and I'm not  
5 sure if the student academic committee or  
6 grievance committee is the one who needs to  
7 be hearing this grievance. And that's why I  
8 sent the grievance to the president, the  
9 graduate school dean, the Provost, the  
10 associate Provost, and the Dean of the  
11 College of Veterinary Medicine was because I  
12 wanted them to direct me where I should file  
13 this grievance and who should be in charge  
14 of the grievance. Because in my abilities  
15 to find out where I was supposed to file  
16 this grievance, I couldn't find exactly  
17 where I needed to file this grievance and  
18 who needed to hear this grievance.

19 Q Okay. Did you know of any other body at  
20 Auburn that hears grievances, be it beyond  
21 or other than the student academic grievance  
22 committee?

23 A At the time I filed this, I did not know of

1 any other grievance committee to send it to  
2 besides a student academic grievance  
3 committee. I think there may be other  
4 committees, but I didn't know that at this  
5 time.

6 Q Okay. And so you did not attempt to file a  
7 grievance with any of those other committees  
8 that may or may not exist, correct?

9 A I didn't know they existed at the time.

10 Q So, that's correct? If you didn't know they  
11 existed, obviously you couldn't of attempted  
12 to file it.

13 A I wanted just to be open to whatever  
14 remedies Auburn University had.

15 Q Did you try to find out if there were other  
16 committees or other bodies that hear  
17 grievances at Auburn?

18 A I did talk to Doctor Hendrix about my  
19 grievances, and he led me to go to Doctor  
20 Wolfe and follow it up and then go to Doctor  
21 Janicki and follow it up. And at that  
22 point, he told me to contact the Provost,  
23 which I did. And they told me that they

1 didn't handle those -- it wasn't their  
2 department to handle that.

3 Q Okay. Look up at the top at 3.1 on that and  
4 tell me what that says. And that's  
5 Defendant's Exhibit Nine.

6 A Yes.

7 Q Okay. What does that say?

8 A It says, "Types of grievances. No list of  
9 types of grievances could cover all  
10 contingencies. The following common types  
11 of student grievances, however, are within  
12 this committee's jurisdiction."

13 Q Okay. So, you understand that to mean that  
14 just what's listed on there is not all the  
15 types of grievances that can be heard by the  
16 -- or should be heard by the student  
17 academic grievance committee, correct?

18 A That's correct.

19 Q Okay. And so, you -- And as you said  
20 earlier, you believe that your grievance was  
21 at least somewhat or partially related to  
22 what's set forth there as an expressed type  
23 that could be heard, correct?

1 A It does cover some parts of what happened.

2 Q Okay. Well, let's assume, Chris, that that  
3 was the proper body that should have  
4 heard -- that should have heard your  
5 grievance related to your perceived  
6 dismissal. Assuming that, did you properly  
7 follow all the steps set forth in there to  
8 file your grievance with the academic  
9 grievance committee? I think the steps are  
10 on the first page.

11 A Now, what's your question again?

12 Assuming --

13 Q Okay. Assuming that --

14 A Assuming that this is the --

15 Q The proper --

16 A -- where I was supposed to take it.

17 Q Correct. Did you comply with all of those  
18 steps to properly file your grievance with  
19 the student grievance committee?

20 A To the best of my ability, I did. I  
21 followed these steps.

22 Q What do you mean by that? Were you somehow  
23 prevented from following those steps?

1 A Well, we're assuming that this is the right  
2 place to go, and that I was supposed to  
3 follow these rules. And what are you asking  
4 again?

5 Q Well, did you follow them?

6 A I tried my best to.

7 Q Okay. That's not my question. I believe  
8 that you tried your best. But I'm asking  
9 you: Reading those steps there, did you, in  
10 fact, comply with them?

11 A I tried my best to.

12 Q Okay. This is a yes-or-no question. And I  
13 believe that you tried your best. But I'm  
14 asking you: Did you follow each step as  
15 it's set forth there to properly file your  
16 grievance with the student grievance  
17 committee?

18 A In my opinion, yes.

19 Q Okay. Let me ask you this: Do you agree if  
20 you would not have followed those steps that  
21 Auburn has no duty, obligation, to hear your  
22 grievance?

23 A I'm not --

1 Q For instance, if your grievance was filed  
2 late, do you think that Auburn would be  
3 under an obligation or duty to hear a  
4 grievance as filed late?

5 A I'm not sure what they're obligated to do.  
6 It says that the late -- the committee  
7 chairman must be notified of filing a  
8 grievance no later than the 20th class day  
9 of a semester following that in which the  
10 grievance occurred. I started filing my  
11 grievance immediately after December 3rd.

12 Q Okay. Well, let's say that you were  
13 required to give your grievance committee  
14 chairman notice of your grievance in writing  
15 by that date. Let's assume that. And let's  
16 assume that you did not. If the fact that  
17 you did not do that, would that -- do you  
18 still think that Auburn had an obligation or  
19 a duty to hear your grievance if it was  
20 filed past the 20 days?

21 A I'm not sure that they're under any  
22 obligation to.

23 Q Okay. I mean, you understand you were a



1       former student body president, correct? You  
2       understand about policies and procedures,  
3       correct?

4   A    Yes.

5   Q    And you understand that those policies and  
6       procedures are there for a reason, correct?

7   A    Correct.

8   Q    And you understand that they have to be  
9       followed, correct?

10  A    Correct.

11  Q    And if they're not followed, you understand  
12       that the student has waived his right to  
13       whatever relief he's seeking if he didn't  
14       follow the mandatory policies and  
15       procedures, correct?

16  A    I'm not sure exactly what you're saying  
17       again. Can you ask me?

18  Q    Well, I'm just -- there's steps here.

19  A    Are they waiving their right?

20  Q    Correct, Chris. There's steps here, right?

21  A    There are steps here.

22  Q    Okay. And you understand that those steps  
23       are set forth for a reason, correct?

1 A Correct.

2 Q And they're mandatory.

3 A That it's mandatory that you must follow  
4 these rules to get your complaint heard?

5 Q Right, correct; is that correct?

6 A If that's what you're telling me, that it's  
7 mandatory, yes.

8 Q No, I'm asking you do you understand that.

9 A I mean, if you're telling me it's  
10 mandatory -- I don't -- These are the rules  
11 that you're supposed to follow.

12 Q Right. And if you don't follow them, you  
13 shouldn't be allowed to bring your complaint  
14 if you do not follow the rules that Auburn  
15 sets forth, correct?

16 A If they say and want to set forth a deadline  
17 and you don't meet that, then that's their  
18 prerogative. They're making the rules.

19 Q Right. Okay. Did you ever give Doctor  
20 Hendrix notice in writing of your grievance?

21 A In writing, no.

22 Q Okay. Who was the chairman of the student  
23 academic grievance committee?

1 A To my knowledge, it was Doctor Hendrix.

2 Q Okay. Did you file your grievance within 20  
3 class days of the semester following the  
4 semester in which the incident occurred?

5 A I started filing my grievance immediately  
6 after December 3rd meeting with Doctor  
7 Hendrix in the meeting.

8 Q You stated that you didn't give Doctor  
9 Hendrix notice in writing at any time,  
10 correct?

11 A The meeting had just taken place, and I  
12 didn't really have time to write a grievance  
13 and give it to him right then. I started  
14 talking to him about the grievance is that I  
15 don't think I was being fairly treated.  
16 That I didn't think I should be treated as  
17 guilty and not given a chance to be proven  
18 innocent. And that I thought I deserved a  
19 hearing on the cheating incident. That was  
20 the straw that broke the camel's back.

21 Q Okay. Look at procedure 4.2.2, if you  
22 could. Can you read that, please? And what  
23 does 4.2 say at the top?

1 A Procedures for hearing.

2 Q Okay.

3 A Where, 4.2.2?

4 Q 4.2.1 and 4.2.2, please.

5 A 4.2.1. "Grievances must be filed with the  
6 committee chairman within 20 class days of  
7 the term following that in which the  
8 grievance occurred. Where previous efforts  
9 were addressed had failed, the student  
10 should file a grievance in writing to the  
11 chairman of the committee accompanied by an  
12 initial documentary evidence."

13 Q Okay. And you never filed a document, a  
14 grievance, in writing to the chairman of the  
15 committee accompanied by any initial  
16 documentary evidence, correct?

17 A Except for the student grievance, no.

18 Q Well --

19 A That is the only grievance that I filed in  
20 writing --

21 Q To the chairman of the committee. Who was  
22 the chairman of the committee?

23 A Hendrix.

1 Q Okay. And was that document sent to Doctor  
2 Hendrix?

3 A No, it wasn't sent to him.

4 Q Okay. So, I'm going to ask my question  
5 again. You did not file a grievance in  
6 writing to the chairman of the committee  
7 accompanied by initial documentary evidence  
8 that's required by procedure 4.2.2, correct?

9 A That's correct, to the chairman of the  
10 committee.

11 Q Okay.

12 A To Doctor Hendrix.

13 Q Okay. Now, tell me about this letter that  
14 was sent -- Defendant's Exhibit Ten was  
15 sent. Who was that sent to?

16 A It was sent to the people who I thought  
17 would know where to direct my grievance; and  
18 that was Ed Richardson, the president, the  
19 graduate -- Dean of the graduate school, the  
20 vice-president for academic affairs and  
21 Provost, the associate Provost, the Dean of  
22 the College of Veterinary Medicine, and the  
23 U.S. Secretary of Education.

1 Q Okay. Is that what you allege, or is that  
2 the only written manifestation of your  
3 grievance?

4 A That is my written grievance, first attempt,  
5 and then the second one went to the  
6 president.

7 Q Okay. And what date was that written?

8 A July 27, 2004.

9 Q Okay. And when would, generally, 20 class  
10 days of the term following that in which the  
11 grievance occurred be? The grievance  
12 occurred in the fall term, correct?

13 A The dismissal grievance occurred in the fall  
14 term.

15 Q Okay. And 20 class days following the next  
16 semester would be around mid-February. Does  
17 that sound right to you?

18 A Sounds like a reasonable estimate.

19 Q Okay. And this was not filed. You did not  
20 follow that written grievance within --  
21 before mid-February, correct?

22 A It was filed July 27th, 2004.

23 Q And that's after mid-February of 2004,

1 correct?

2 A July is after February.

3 Q Right. Okay. Do you know if Doctor Hendrix  
4 ever received written notification of your  
5 grievance?

6 A To my knowledge, he was made aware of it and  
7 knew about it.

8 Q Okay. How do you know that?

9 A He telephoned me.

10 Q Did he ever know that you tried to file a  
11 written grievance, I guess is my question?

12 A When the appropriate -- the people I sent  
13 this to, to my knowledge, notified him when  
14 they received it, that I was filing a  
15 grievance.

16 Q Okay.

17 A Posted after that date.

18 Q You didn't hear that, correct?

19 A I was not there, no. But that's what he  
20 told me when he called me was that he was  
21 aware of the grievance and that I had filed  
22 it and who I had sent it to.

23 Q Okay. When was this that this occurred?

1 A The exact date?

2 Q Yeah.

3 A I'm not sure of the exact date before me,  
4 but I have it documented.

5 Q Well, just generally, when was it?

6 A In August of 2004.

7 Q Okay. Chris, go through those steps, 2.1.1  
8 through 2. -- 1.4 -- or 2.2, actually, and  
9 tell me how you complied with each and every  
10 step related to this grievance related to  
11 your perceived, alleged dismissal.

12 A 2.1.1?

13 Q Yeah.

14 A Starting at 2.1.4?

15 Q Right.

16 A This tells the steps that relate to -- And  
17 it talks about, like, an instructor in a  
18 class grievance. And it says, "Consult with  
19 the instructor involved in person or by  
20 written contact no later than within the  
21 first few days of the semester following  
22 that in which the grievance occurs." And  
23 there was an instructor involved in my



1 grievance. The grievance was with Doctor  
2 Blagburn telling me that Doctor Wolfe was  
3 getting rid of me, that they were dismissing  
4 me.

5 And so, I consulted with them in  
6 person in the December 3rd meeting. I  
7 brought up my concerns -- my grievance to  
8 them. And then in the meeting with Doctor  
9 Wolfe, I brought those up.

10 2.1.2: "If the agreement or  
11 compromise of the problem is not achieved,  
12 take the grievance to the department head,"  
13 which was Doctor Wolfe. In which I did take  
14 my grievance to him. "If still not  
15 satisfied that a fair and equitable solution  
16 has been found, take the grievance to the  
17 Dean of the school," which I'm not sure what  
18 Dean of the school they are talking about.  
19 But I went and was told by Doctor Hendrix  
20 that I should go to Doctor Janicki. And so,  
21 I went to him and talked to him about it.

22 Q While you were in the graduate school,  
23 correct?

1 A I was in the College of Veterinary Medicine  
2 and the graduate school.

3 Q Which is housed in the graduate school,  
4 correct?

5 A That's correct.

6 Q Who's the Dean of the graduate school?

7 A The Dean of the graduate school would be  
8 Doctor McFarland.

9 Q Okay. Did you ever take your grievance to  
10 Doctor McFarland?

11 A I did send him a copy of my grievance.

12 Q Okay. And it was that grievance that you're  
13 referring to that was filed in July,  
14 correct?

15 A He received notice of it in July.

16 Q Okay. And so, prior to that July -- that  
17 July grievance that you attempted to file,  
18 he didn't receive any kind of -- you never  
19 went -- you never took your grievance to him  
20 prior to that time, correct?

21 A I did not know that taking the grievance to  
22 the Dean of the school was the Dean of the  
23 graduate school. I was told that I should

1 go talk to Doctor --

2 Q Well, what Dean --

3 A I was told that I was to talk to Doctor  
4 Janicki. And then after that, Doctor  
5 Hendrix told me that I should go to the  
6 Provost, that I should contact the Provost.

7 Q What Dean did you take your grievance to?

8 A The Dean of the school, I assume, was the  
9 associate Dean of the graduate school. I  
10 don't --

11 Q Who is the associate Dean of the graduate  
12 school?

13 A Doctor Janicki is the associate Dean of  
14 graduate research. And I'm not sure who  
15 is -- if there is a Dean other than the Dean  
16 McFarland.

17 Q Okay. Okay. Continue where you were going  
18 through each step.

19 A "As a last resort and only after steps 2.1.1  
20 and 2.1.3 have been carried out or been  
21 contentiously attempted, take grievance in  
22 writing to university student grievance  
23 committee specifically appointed to hear

1 such complaints."

2 Q And did you do that?

3 A No. I -- When it says take your grievance  
4 in writing to the university student  
5 grievance committee, I am unsure to this  
6 date where you're supposed to send that  
7 writing where the committee is, where you're  
8 supposed to send your grievance in writing  
9 to them. And to my knowledge, the chairman  
10 of the grievance committee was guiding me  
11 through these steps, and he told me he  
12 didn't recommend that I go to the Dean of  
13 the graduate school. He recommended that I  
14 go to the Provost office.

15 Q Okay. You had access to these policies,  
16 though, didn't you?

17 A Yes.

18 Q Okay. And did you, in fact, read them  
19 before you went through this process?

20 A I can't remember exactly whether I had  
21 access to this information before I went  
22 through the process or as I went through the  
23 process.

1 Q Okay. Well, you could have had access. You  
2 could have gotten this information if you  
3 would have been so inclined, correct?

4 A Yes.

5 Q Okay. And so, you're saying that you never  
6 took your grievance in writing to the  
7 University Student Grievance Committee?

8 A Correct.

9 Q Did you ever ask anyone how you were  
10 supposed to take your grievance in writing  
11 to the University Student Grievance  
12 Committee?

13 A I don't remember asking anyone that. I  
14 relied on Doctor Hendrix's advice and the  
15 steps he told me to take as the right  
16 direction.

17 Q Okay. Did he ever tell you not to file your  
18 grievance in writing?

19 A No.

20 Q Okay. Okay. You don't claim that any of  
21 those provisions after that, that somebody  
22 delayed 2.3 -- 2.3 applies, do you?

23 A I think that I was not being told the whole

1 truth and could not finalize my grievance or  
2 put it together well enough for it to make  
3 sense. I was being told bits and pieces of  
4 information that they had knowledge of that  
5 they weren't telling me the whole  
6 information. And so, it's like when Doctor  
7 Wolfe told me to take it to Doctor Janicki,  
8 and that Blagburn and Wolfe said that  
9 Janicki was the one where the cheating came  
10 from, and I'm trying to pursue this cheating  
11 accusation. And then Janicki says that no  
12 one ever came in there and accused me of  
13 cheating. I was being --

14 Q Doctor Blagburn was always saying -- he said  
15 that you were accused of cheating, correct?

16 A That's not correct.

17 Q He was -- He didn't tell you that you were  
18 accused of cheating by --

19 A He said that I was cheating. He said --  
20 Now, when I got called into the meeting, he  
21 said that, now, I'm going around asking --  
22 I'm cheating, asking people to take tests  
23 for me. He didn't say that I was being

1 accused.

2 Q Okay. According to these procedures that  
3 we've been discussing, if you go by what's  
4 on the face of these procedures, your  
5 grievance was not timely filed; is that  
6 correct?

7 A Assuming that my only grievance would have  
8 been handled under the student academic  
9 grievance policy, there are a few steps that  
10 I didn't complete exactly the way it's  
11 termed here.

12 Q Okay. I'm going to show you Defendant's  
13 Exhibit Seven. You can look at that. Can  
14 you tell me what that is?

15 A It's a letter to the president of Auburn  
16 University from me.

17 Q Okay. When was that written?

18 A September the 24th, 2004.

19 Q Why did you write this letter?

20 A I was requesting cooperation in resolving  
21 the complaint that I had, that I had been  
22 dismissed.

23 Q Okay. In there you state that, "I received

1 responses" -- in the first paragraph --  
2 "from only Doctor Steven McFarland and  
3 Doctor Charlie Hendrix. Doctor Charlie  
4 Hendrix said I should be able to file my  
5 student academic grievance." Seems like  
6 there you were stating that you were, in  
7 fact, trying to file a student academic  
8 grievance, correct?

9 A I'm saying that Doctor Hendrix said that he  
10 would let me file a student academic  
11 grievance, but he was saying that if I did  
12 that, that I would not be able to file any  
13 other charges, and that everything outside  
14 that wasn't handled by a student academic  
15 grievance committee wouldn't be heard.

16 Q Go down to paragraph three. It says,  
17 "Doctor McFarland letter also informs the  
18 procedures required that the grievance be  
19 filed within the first few days of the  
20 semester following that in which the  
21 grievance occurred." You say, "I attempted  
22 to resolve these grievances at the lower  
23 levels in a 15-day deadline following the



1 incident. Was not possible in my  
2 situation." What did you mean by that?

3 A It wasn't until later that I was made aware  
4 of all the information that I needed to file  
5 these grievances.

6 Q Well, let's focus on the one grievance  
7 related to your perceived dismissal -- your  
8 alleged dismissal from the PhD program. Why  
9 was a 15-day deadline following the incident  
10 not possible in that situation?

11 A Because I was given the runaround. They  
12 were telling me one thing -- different  
13 people were telling me more than one  
14 information. I was never sent anything that  
15 was telling me exactly who accused me of  
16 what and never had a chance to really defend  
17 myself. They called me in on a spur of the  
18 moment, did these actions, and I was  
19 confused and didn't really have a chance to  
20 take in all this information. And Doctor  
21 Blagburn left the meeting before I could  
22 find out exactly what all was going on. I  
23 also went to Doctor Wolfe to try to clarify

1 what they told me.

2 Q Chris, just tell me why, related to your  
3 grievance, that you claim that Doctor  
4 Blagburn kicked you out of the PhD program.  
5 Tell me why you could not timely file your  
6 grievance related to that -- that grievance  
7 alone.

8 A Because he told me that the straw that broke  
9 the camel's back was a cheating incident.  
10 And when he told me to take that up with  
11 Doctor Wolfe, he told me Doctor Janicki did  
12 it. And as I went to Doctor Janicki, Doctor  
13 Janicki said that no one had accused me of  
14 cheating. And I was confused at the order  
15 of which they were telling me.

16 Q Well, the cheating is a lot different -- the  
17 allegation of cheating, wouldn't you say  
18 that's a different grievance than the fact  
19 that you are alleging you were dismissed  
20 from the PhD program?

21 A It was the final straw that they told me  
22 that led to my dismissal. And so, I needed  
23 to find out exactly what that charge was and

1 who made that charge in order to defend it.

2 Q Let's talk about your grievance related to  
3 the experimental statistics class. Did you  
4 have a grievance related to that class?

5 A My grievance about that course was that due  
6 to the actions of Doctor Wolfe and Blagburn  
7 telling me that they are dismissing me and  
8 getting rid of me, I was not able to finish  
9 my agreement with Doctor Billor and retake  
10 the course and replace the incomplete grade.

11 Q Okay. And did you -- You did attempt to  
12 file a grievance with the student academic  
13 grievance committee related to that?

14 A It's covered in the student grievance that I  
15 sent to the people we've already talked  
16 about.

17 Q Okay. Was that grievance ever heard?

18 A Not to my knowledge, no.

19 Q Okay. Do you know if Doctor Hendrix ever  
20 received written notification of this  
21 grievance?

22 A I'm not sure if he did.

23 Q Okay. Where did you manifest that grievance

1 in writing? Which letters? The one you're  
2 holding in your hand?

3 A No. The only two written grievances that I  
4 filed --

5 Q Defendant's Exhibit Ten?

6 A -- was July 27th, 2004.

7 Q That's Exhibit Ten?

8 A Exhibit Ten or Seven.

9 Q Okay. And that was not -- Exhibit Ten or  
10 Seven was not sent to Doctor Hendrix,  
11 correct?

12 A By me, not directly to him.

13 Q Okay. So, would you agree, then, that all  
14 the steps that's set out in the policies and  
15 procedures for filing a student academic  
16 grievance were not followed with respect to  
17 that grievance?

18 A I wasn't sure that my grievance was to be  
19 exactly filed only under the Student  
20 Academic Grievance Committee. I was filing  
21 a grievance to the higher-up administrators  
22 in hopes that they would point me in the  
23 right direction --

1 Q Okay. Would you agree that --

2 A -- where I needed to file this grievance.

3 Q Okay, Chris. Under the policies of the  
4 student academic grievance policy, would you  
5 agree that those steps were not properly  
6 complied with related to this experimental  
7 statistics grievance?

8 A I'm sorry. What was your thing again?

9 Q Related to the experimental statistics  
10 grievance, the steps that are set forth here  
11 related to student academic grievance policy  
12 were not properly followed by you in the  
13 filing -- attempted filing of that  
14 grievance, correct?

15 A I think that they were to the best that I  
16 could. What did I miss?

17 Q Well, you didn't give Doctor Hendrix written  
18 notification of that grievance, did you?

19 A That's true. I did not send Doctor Hendrix  
20 a copy of it because I wasn't filing just a  
21 student academic grievance. I put it  
22 encompassed into one because I didn't think  
23 the Student Academic Grievance Committee was

1 for sure the one I was supposed to send this  
2 complaint to.

3 Q Okay. Well, to file a student academic  
4 grievance, you have to give written  
5 notification to Doctor Hendrix, correct?

6 A Doctor Hendrix never told me that I needed  
7 file a written grievance with him --

8 Q No, that's not my question.

9 A -- and I asked him what he would do.

10 Q According to these policies, you have to  
11 give written notification to the chairman of  
12 the Student Academic Grievance Committee,  
13 correct?

14 A According to that, if you are following  
15 that.

16 Q And if you're following these policies --  
17 You didn't follow these policies in that  
18 regard, did you?

19 A Not completely.

20 Q Okay. Did you -- Did you take this  
21 grievance to Doctor Steven McFarland? Tell  
22 me this: When did this -- the date that  
23 this grievance occurred? What was the date

1 of the actual grievance related to the  
2 experimental statistics course?

3 A The grievance occurred -- The first main  
4 grievance was on December 3rd. And then due  
5 to that action, later the other grievances  
6 occurred over the next semester. And at the  
7 end of spring semester, my grade was then  
8 changed to a withdrawal F or incomplete F.

9 Q Okay. And when did that occur?

10 A I'm not sure of the exact date.

11 Q Okay.

12 A I could -- It was at the end of spring  
13 semester.

14 Q Okay. So, when would 20 days within the  
15 next semester be?

16 A It would be 20 days from what the next  
17 semester is. I'm not sure what that date  
18 is.

19 Q Okay. Well, was that -- Do you believe that  
20 your grievance, your written grievance, was  
21 timely filed?

22 A I'm not sure if it was timely filed. It was  
23 the best I could come up with, with what

1 kind of information I was given and at the  
2 time I was given the information. As soon  
3 as I could complete my grievance, I did it  
4 by July 27th, 2004.

5 Q Okay. Any other grievances that you -- that  
6 form a basis of any claim of your lawsuit?  
7 Let me ask you this before you answer that  
8 question: Do you contend that Auburn  
9 converting your grade to an F violated a due  
10 process right of yours?

11 A I'm not sure if it does or not.

12 Q Okay. And go back to the question that I  
13 asked you before that. Any other grievance  
14 that forms the basis of any claim in this  
15 lawsuit?

16 A At this time, I can't think of any others.

17 Q Okay. What did you want the Student  
18 Grievance Committee -- Or what did you want  
19 Auburn to do with respect to this grievance  
20 related to your experimental statistics  
21 course? Did you want them to change your  
22 grade?

23 A I wanted them to get involved with hearing



1 my complaint and telling me what the  
2 appropriate administrators should be for my  
3 overall grievance of being dismissed from my  
4 department, being kicked out of my program,  
5 being dismissed from my research abilities,  
6 and stopping my pursuit in my PhD program.

7 Q Okay.

8 MS. DICKEY: Need a break?

9 THE WITNESS: Yeah.

10 (At which time, a recess was  
11 taken.)

12 Q Chris, when did you speak with Doctor  
13 Hendrix about procedures you should follow?  
14 And you mentioned that you had talked with  
15 him. When was that?

16 A I talked with him initially after the  
17 December 3rd, 2003, meeting --

18 Q Okay.

19 A -- in which he told me to talk to Doctor  
20 Wolfe. After I spoke with Doctor Wolfe, I  
21 met with him and told him what had happened.  
22 He suggested I go to Doctor Janicki, which I  
23 did. I met with him after that. And after

1 I met with Doctor Dillon, I met with him.  
2 And then there was a few times throughout  
3 spring semester. I can remember one time to  
4 be sure of, but one or two times after -- in  
5 spring semester.

6 Q Okay. Did you -- Which times did you talk  
7 about grievance-related policies and  
8 procedures? The first two you mentioned, is  
9 that the only ones related to grievance  
10 procedures?

11 A The only reason I was talking to him was  
12 talking to him about my overall grievance,  
13 and everything that was becoming due to the  
14 initial grievance of being dismissed.

15 Q Okay. Okay. Let's move on to -- get you to  
16 look at Defendant's Exhibit Two, which is  
17 your responses to our interrogatories. Look  
18 at interrogatory number 14. The question  
19 asked: Allege each and every statement that  
20 you allege to be did defamatory, and you  
21 have five statements there. Is that all the  
22 statements in this action that you allege to  
23 be -- that form the basis of your claim for

1           defamation against the defendants here? Is  
2           there anything that you are missing there?

3    A     To my knowledge, this is all of them.

4    Q     Okay. Let's take the first one. Doctor  
5           Janicki -- tell me this: How do you have  
6           knowledge that that statement was made?

7    A     Only through Doctor Blagburn and Doctor  
8           Wolfe.

9    Q     Okay. And what exactly did they say that  
10          Doctor Janicki said?

11   A     They said that Doctor Janicki had told them  
12          that I had propositioned another graduate  
13          student to take an exam for me.

14   Q     Was that a -- I mean, is that -- That's  
15          exactly what they said? Did they say  
16          anything else? I mean, are you basing that  
17          on your knowledge or what you're reading  
18          there?

19   A     On my knowledge.

20   Q     Okay.

21   A     That's what they told me.

22   Q     Okay. Did they say that Doctor Janicki said  
23          that you were accused of propositioning a

1 student, or did they say that you did --  
2 that you did proposition a student?

3 A They said that I did proposition another  
4 graduate student to take an exam for me.

5 Q Okay. You didn't expressly hear Doctor  
6 Janicki say that, did you?

7 A No.

8 Q Okay. Did you ever hear Doctor Janicki tell  
9 anyone that -- that you had propositioned a  
10 female student to take an exam for you?

11 A Other than Doctor Wolfe and Doctor Blagburn  
12 telling me that.

13 Q Can I see that for a second? Go ahead. I'm  
14 sorry.

15 A I'm done.

16 Q Okay. No, other than Doctor Blagburn and  
17 Doctor Wolfe telling you that? When did  
18 they tell you that?

19 A In the December 3rd meeting and in the  
20 meeting with Doctor Wolfe.

21 Q Okay. And can you tell me in what context  
22 the statement was made in? I mean, why was  
23 Doctor Janicki telling them that?

1 A I'm not sure why Doctor Janicki was telling  
2 them that.

3 Q Okay. You have no idea? I mean, do you  
4 think if you had been accused by a student  
5 of taking an examination, do you think it  
6 would be appropriate for Doctor Janicki to  
7 tell Doctor Blagburn and Doctor Wolfe or  
8 Doctor Wolfe?

9 A For them to tell Doctor Blagburn or Doctor  
10 Wolfe that I had propositioned a female  
11 graduate student to take a test for me?

12 Q Right.

13 A I would think that was inappropriate for  
14 them to tell them that I had propositioned a  
15 female graduate student without giving me a  
16 chance to give my side of it.

17 Q Okay. Do you know whether or not Doctor  
18 Janicki, in fact, said that Chris had  
19 propositioned a student? I mean, it could  
20 have been that he said, "Chris has been  
21 accused of propositioning a student,"  
22 correct?

23 A It could have been that. I told you that I

1 didn't hear Doctor Janicki exactly. I just  
2 heard what Doctor Wolfe and Blagburn told me  
3 that Doctor Janicki told them.

4 Q Okay. Why are you suing Doctor Janicki over  
5 this? I mean, you don't know what he said,  
6 do you?

7 A I do not know what he said.

8 Q Okay. Isn't it a little unfair to sue  
9 Doctor Janicki over something that you don't  
10 know whether he said or not?

11 A That's what I'm being told that he said.

12 Q Okay. But you don't know whether he said it  
13 or not, correct?

14 A That's correct. I don't know whether he  
15 said it or not.

16 Q Okay. And without affirmatively knowing yes  
17 or no, I mean, isn't it -- isn't that a  
18 little bit unfair to sue him over that?

19 A I mean, it depends on if Doctor Blagburn and  
20 Hendrix say that he said it. If they say  
21 that he did, then it wouldn't be unfair.

22 Q Okay. Who else did he make that statement  
23 to, if you know? And tell me this: Did he

1 make the statement to Doctor Wolfe and then  
2 Doctor Wolfe told Doctor Blagburn, or did he  
3 make it to both Doctor Wolfe and Doctor  
4 Blagburn at the same time? Or what do you  
5 know about how it was -- how it went about  
6 saying that, if he did?

7 A Only that that information came from him is  
8 what I was told. Whether they were in the  
9 same meeting, I don't know.

10 Q Okay. So, you don't know -- I mean, you  
11 have no idea who it was even made to? I  
12 mean, you don't know if Doctor Wolfe ever  
13 heard that, do you, from Doctor Janicki?

14 A He told me that that's where he heard that  
15 information.

16 Q He said that Doctor Janicki had told him  
17 that?

18 A He said that Doctor Janicki was the one who  
19 told him I had propositioned a female  
20 graduate student to take an exam for me.

21 Q Okay. What about Doctor Blagburn? Do you  
22 know if it was said expressly from him or if  
23 he got his knowledge from Doctor Janicki --

1 I mean, from Doctor Wolfe?

2 A I don't know how they got their information.

3 All I know is that they said it came from  
4 him.

5 Q Okay. Do you know if maybe -- I mean, could  
6 it have been possible that Doctor Janicki  
7 told Doctor Hendrix that you had  
8 propositioned a student to take an exam, and  
9 that Doctor Hendrix told Doctor Wolfe and  
10 Doctor Blagburn that he had said that? Is  
11 that possible?

12 A It's possible.

13 Q Okay. You just -- What you're saying is  
14 they told you that the information came from  
15 Doctor Janicki, but you have no other  
16 knowledge of this statement other than that.

17 A I didn't receive anything in writing. And  
18 all I have is what they told me in our  
19 meetings.

20 Q Right. But I'm saying that all they said to  
21 you was this information came from Doctor  
22 Janicki. They didn't say anything about the  
23 statement other than that. They didn't say



1           that this information -- we were told this  
2           information by Doctor Hendrix who had talked  
3           to Doctor Janicki; is that correct?

4    A       They didn't tell me that. They said it came  
5           from Doctor Janicki.

6    Q       Right. Okay. And you don't know if it came  
7           from Doctor Janicki -- straight from Doctor  
8           Janicki to them?

9    A       I think we've said, yes. I'm not sure how  
10          they got that information.

11   Q       Okay. All right.

12   A       They told me it came from Doctor Janicki.

13   Q       All right. Okay. You think it would be  
14          inappropriate for Doctor Janicki to discuss  
15          potential accusations of cheating made  
16          against you?

17   A       What was your question again?

18   Q       Would it be -- what would -- In your  
19          opinion, what would have been appropriate  
20          for Doctor Janicki to do with this  
21          information -- If someone has accused you of  
22          cheating to him, what should he do?

23   A       Well, the rules say that I'm to be notified

1 promptly of the accusation, given the chance  
2 to defend myself, offer up evidence in my  
3 defense.

4 Q There is no formal accusation of cheating  
5 against you, correct?

6 A I'm not sure if there is or not. I was told  
7 that I propositioned a female graduate  
8 student to take an exam for me.

9 Q Okay. Nothing was ever taken to the --  
10 trying to think of what the name of the --  
11 what's the --

12 A Academic Honesty Committee?

13 Q Academic Honesty Committee.

14 A To my knowledge, no.

15 Q Okay.

16 A After I got dismissed, what would be the  
17 point in going to the Academic Honesty  
18 Committee?

19 Q Tell me this: You don't think Doctor  
20 Janicki was -- If he did, in fact, tell  
21 Doctor -- or Doctor Blagburn or Doctor Wolfe  
22 that you had propositioned a female student  
23 to take an exam for you, wouldn't that have

1       been within the scope of his employment at  
2       Auburn?

3       A     That's what I'm here to find out, is what  
4       they were supposed to do with these -- what  
5       I know to be -- I was alleged to be  
6       cheating, and they're accusing me of  
7       propositioning another student to take an  
8       exam for me and making actions on that.

9       Q     I mean, beyond what they were supposed to do  
10      if they did or did not follow the procedures  
11      to a -- as they were supposed to do -- I  
12      mean, this is something -- Doctor Janicki is  
13      an associate Dean of the graduate school or  
14      pathobiology. Which one is he?

15      A     I think his title is associate Dean of  
16      graduate research.

17      Q     Okay. And he works closely with Doctor  
18      Blagburn and Doctor Wolfe who were in the  
19      department of pathobiology, correct?

20      A     I don't know if they work closely.

21      Q     Can't we agree that Doctor Janicki was  
22      within his authority or within the scope of  
23      his employment when he said, "Look, Chris is

1 accused of cheating." Isn't that something  
2 that he probably should have made Doctor  
3 Blagburn aware of?

4 A To my knowledge, he did tell Doctor Blagburn  
5 and Wolfe that I propositioned another  
6 graduate student.

7 Q Right. And wasn't that within something he  
8 should do within his job?

9 A I'm not sure if it's within his job or not.  
10 That's what I'm here to find out.

11 Q Okay. You don't know what he should have  
12 done with that information? I mean, kept it  
13 quiet or...

14 A From what I can tell in the rules, I should  
15 have been made aware of it. And you would  
16 think that I would have been notified and  
17 asked for my side of it and given a chance  
18 to defend myself.

19 Q Before he even informed Doctor Blagburn and  
20 Doctor Wolfe of the accusations?

21 A I'm unsure what steps he should follow.

22 Q You can't point to anything and say there's  
23 anything wrong with him telling Doctor Wolfe

1 or Doctor Blagburn that you were accused of  
2 cheating on an exam, correct?

3 A If I was the Dean of graduate studies, are  
4 you asking me what would do in that  
5 situation?

6 Q No. I'm asking you can you point to any  
7 policy, procedure, or in your own belief, do  
8 you think there's anything wrong with him  
9 doing that?

10 A With him telling my major professor and head  
11 of the department that I propositioned  
12 another graduate student to take a test for  
13 me, and they used that as the straw that  
14 broke the camel's back to dismiss me, I see  
15 a problem with that with me never given a  
16 chance to defend myself.

17 Q Well, let's just -- let's just assume that  
18 he told them that you were accused of  
19 propositioning a female graduate student  
20 with taking an exam. Do you think there's  
21 anything wrong with Doctor Janicki telling  
22 your major professor, Doctor Blagburn, that  
23 you had done that?

1 A I'm not sure if he supposed to go to them  
2 and tell them that or if he is supposed to  
3 follow the rules and call me to a meeting  
4 and hear my side of it. It appears to be  
5 his decision in what he wants to do with it.  
6 I don't know of any rules that say what he's  
7 supposed to do besides notify me promptly  
8 and give me a chance to defend myself,  
9 which I was not allowed to do about this  
10 particular propositioning another graduate  
11 student to take a test for me.

12 Q Okay. Would he be sued if he -- in your  
13 belief, he just said that you were accused  
14 of propositioning another student? I mean,  
15 is the basis of your claim that he said,  
16 "Chris did proposition another student to  
17 take a test," rather than phrasing it as  
18 "he's accused of doing it"?

19 A I don't think that would be defamatory if he  
20 said that I was accused of it. That leaves  
21 it open.

22 Q And, again, you don't know exactly what he  
23 said, do you?

1 A Only what Doctor Blagburn and Wolfe told me  
2 he said.

3 Q Okay. You were never there, though. You  
4 weren't there. You didn't hear the  
5 statement, correct?

6 A That's clear.

7 Q Okay. Okay. Let's look at the second part  
8 on December 3rd, 2003. Doctor Blagburn  
9 called Eiland a cheater with Doctor Hendrix  
10 present. Tell me exactly what was said in  
11 that instant.

12 A He said, "Now you're going around cheating,  
13 asking people to take tests for you."

14 Q Okay. And who was present when this  
15 statement was made?

16 A Doctor Hendrix was the only one in the  
17 meeting, myself and Blagburn.

18 Q And you're alleging that he did not phrase  
19 it as, "You're accused of cheating,"  
20 correct?

21 A That's correct. He didn't say, "You've been  
22 accused of cheating. I'm getting rid of  
23 you." Right. I told you that he said,

1 "You're going around cheating, asking people  
2 to take statistics tests for you."

3 Q Okay. Let's go back to the first statement.  
4 How were you damaged -- The one related to  
5 Doctor Janicki, how were you damaged by that  
6 statement?

7 A I was damaged by the fact that I'm being  
8 called a cheater without a chance to defend  
9 myself. If Doctor Janicki would have given  
10 me a chance to give my side of the story, he  
11 might not have had to tell the people he did  
12 tell, if he would have given me a chance to  
13 hear my side of it. He obviously took the  
14 side of the person who made the allegation  
15 and told him that I had cheated, but he  
16 never took the time to hear my side of it.  
17 I was damaged because Doctor Blagburn told  
18 me that that was the final straw, was that  
19 this cheating was the thing that is making  
20 him get rid of me. That told Doctor Wolfe  
21 that either you get rid of him or I will.

22 Q Okay. Do you believe -- Let's go back to  
23 the Doctor Blagburn statement. Do you



1 believe that Doctor Blagburn thought that  
2 you had cheated on that exam?

3 A Yes.

4 Q Did he ever, at any time, tell you that he  
5 didn't believe that?

6 A Yes.

7 Q Okay. How do you square that up?

8 A Later in June or May in the tape-recorded  
9 meeting I had with him, he says that I'm  
10 telling him -- defending myself, trying to  
11 convince him that I didn't proposition this  
12 girl to take a test for me. Because to me,  
13 he still seemed to think that I did do that.  
14 And I was trying to prove to him that I  
15 hadn't. And he said, "Well, do you want to  
16 know the truth? I never thought that."

17 Q Tell me how you were damaged by that  
18 statement from Doctor Blagburn in the  
19 December 3rd meeting.

20 A It's damaging to be called a cheater and  
21 have your name associated with cheating.  
22 It's bad for your good name to be called a  
23 cheater.

1 Q Well, it's -- I mean, the only person there  
2 that heard it was Doctor Hendrix. What  
3 actions did Doctor Hendrix take with respect  
4 to you as a result of that accusation?

5 A I'm not sure I understand how you want me to  
6 answer this question. How did Doctor  
7 Hendrix --

8 Q I want you to answer it truthfully.

9 A -- respond. Don't act like that I haven't.

10 Q Just go on.

11 A I've asked you to please repeat it.

12 Q Okay. How has that statement that Doctor  
13 Hendrix heard -- What effect or what has  
14 that statement caused Doctor Hendrix to do  
15 with respect to you?

16 A I think that my credibility with Doctor  
17 Hendrix has to be jeopardized by that  
18 statement.

19 Q Okay. And how was that manifested, if at  
20 all?

21 A In many aspects: His ability to believe me.  
22 His ability in the future to believe me.

23 Q Well, what -- I mean, did Doctor -- Did it

1           cause Doctor Hendrix not to write you a good  
2           letter of recommendation anywhere?

3    A       That's a no. I never asked him.

4    Q       Okay. Did you -- I mean, can you point to  
5           anything tangible that that statement that  
6           Doctor Blagburn -- your allegation of him  
7           calling you a cheater, anything tangible  
8           that it caused Doctor Hendrix to do with  
9           respect to you?

10   A       You're asking me how that affected Doctor  
11           Hendrix, and I'm not sure why he did any of  
12           the things he did based on that allegation.  
13           But you would have to think that it affected  
14           his actions.

15   Q       But you can't point to anything. You can't  
16           point to --

17   A       I would have to be in Doctor Hendrix's mind  
18           to know how it affected him.

19   Q       Well, you can't point to anything such as a  
20           future employer -- potential employer called  
21           Doctor Hendrix, and he gave me a bad job  
22           recommendation because of this statement.

23   A       The future is still out there. It still may

1 be defamatory. When I apply for jobs at  
2 Auburn in the future or if I asked for a  
3 recommendation somewhere.

4 Q But up until this point, right now, you  
5 can't point to anything -- any way you've  
6 been damaged by that statement, tangibly  
7 damaged, correct?

8 A Other than if it affected him giving me a  
9 fair shake on everything he could do to help  
10 me file my grievance. Other than that --

11 Q You don't know if it did affect that or not,  
12 do you?

13 A That would be for Doctor Hendrix.

14 Q Okay. But you can't say yes or no, correct?

15 A And speak for him?

16 Q Yeah. I mean, it's whether you know it or  
17 not.

18 A No, I can't speak for him.

19 Q Okay. And you're saying that Doctor Hendrix  
20 was in the room at that time and heard that  
21 statement.

22 A He was.

23 Q Okay. Did you say anything in response to

1 when that statement was made at that time?

2 A I told them that I was being treated as  
3 guilty and not given a chance to be proven  
4 innocent.

5 Q Okay.

6 A And that I should have a right to defend  
7 myself against a cheating -- someone saying  
8 that I cheated.

9 Q Okay. Response C: On February 2nd, 2005,  
10 Doctor Blagburn told Doctor Janderlich the  
11 reason was no longer working with -- Chris  
12 was no longer on his PhD was his failure to  
13 get along with the women in pathobiology.

14 Tell me everything you know about  
15 that statement. When it was said, who it  
16 was -- what was exactly said, that kind of  
17 stuff.

18 A Doctor Janderlich told me at the end of July  
19 that Doctor Blagburn had told him that the  
20 reason I was no longer in his lab or at  
21 Auburn was my failure to get along with the  
22 women in his lab is was Doctor Janderlich  
23 said. And that was in a meeting when he was

1 deciding whether I could be a possible  
2 future partner with him at that clinic.

3 Q Okay. In what context was that statement  
4 said? Why were Doctor Janderlich and Doctor  
5 Blagburn speaking?

6 A I'm guessing that Doctor Janderlich  
7 contacted Doctor Blagburn for a reference.

8 Q Okay. It was in the context for the job  
9 recommendation?

10 A (Witness nodding in the affirmative.)

11 Q Okay.

12 MS. DICKEY: She didn't get the head  
13 shake.

14 A What did I say?

15 Q It was in the context of the job  
16 recommendation?

17 A Yes.

18 Q Okay.

19 MS. DICKEY: I just wanted a verbal so  
20 she could get it.

21 Q You know -- You got the job, correct?

22 A I'm not sure if he telephoned him before I  
23 had the job or after I had the job. It was

1 a six-month trial that I was working with  
2 him to see.

3 Q Okay. Well, when did you start that job?

4 A February 1st --

5 Q Okay.

6 A -- two thousand and --

7 Q Five?

8 A -- five.

9 Q Okay. Okay. And do you think this  
10 statement was made in February of 2005?

11 A I'm not sure when it was.

12 Q You don't know if it was before or after you  
13 started the job?

14 A That's right.

15 Q Okay. Doctor Janderlich didn't tell you  
16 when it was?

17 A That's right.

18 Q Do you know if Doctor Blagburn told Doctor  
19 Janderlich that you deserved a chance with  
20 respect to a job?

21 A Only -- No, I don't know if he said that.

22 Q Huh?

23 A No, I don't know if he said that I needed a

1 chance.

2 Q Okay. He didn't tell Doctor Janderlich that  
3 the reason why you were dismissed was  
4 because of a suspicion or -- that you were a  
5 cheater?

6 A I -- I'm not sure if he said that or not.

7 Q Okay. Well, I mean, what did Doctor --  
8 That's the only thing that Doctor Janderlich  
9 told you that Doctor Blagburn had said?

10 A I told you that's all that Doctor Janderlich  
11 told me.

12 Q Okay. And this was at the -- When was the  
13 date of this?

14 A It was, estimate, the end -- last day of  
15 July.

16 Q Okay. You couldn't dispute Doctor Blagburn  
17 if he testified that this statement -- if he  
18 said this statement had occurred prior to  
19 you getting this job?

20 A Only if that was -- didn't agree with what  
21 Doctor Janderlich said. I have no -- I have  
22 no proof what date that conversation took  
23 place.



1 Q Okay. Well, how do you think you've been  
2 damaged by that statement?

3 A I think it's a damaging statement in itself.

4 Q I mean, you did have problems with some of  
5 the women that worked in pathobiology,  
6 didn't you? We went through that a lot last  
7 deposition about, you know, arguments and  
8 problems that you had with Jamie Butler and  
9 Tracy Land. I mean, there were problems  
10 there, correct?

11 A You're saying --

12 Q Whether your fault or --

13 A -- the problem, yeah.

14 Q Well, I mean whether they're your fault or  
15 their fault, there was problems with some of  
16 those people.

17 A There were -- "problems" is one word you can  
18 put with it.

19 Q Okay. So, on its face, I mean, that  
20 statement is true?

21 A That that's the reason why I got dismissed?

22 Q No. I mean, the statement that you --

23 A Couldn't get along with -- some of the

1 statement?

2 Q Right. That you were -- You couldn't get  
3 along with the women in pathobiology. I  
4 mean, that statement is true?

5 A That I couldn't get along with them?

6 Q Well --

7 A You're switching.

8 Q Well, okay. That there's problems with the  
9 women in pathobiology.

10 A I agree there's problems with the women in  
11 pathobiology.

12 Q Right. Okay. I guess the point is that  
13 that was a correct statement that Doctor  
14 Blagburn, if he said it -- if he said there  
15 were problems between Chris and the women in  
16 pathobiology, that's a factual statement.

17 A If you say that I had problems with the  
18 women and there were problems between me and  
19 them and you don't go into any further  
20 explanation, then I think that's a strange  
21 statement to make in saying that I got  
22 dismissed because of these problems puts the  
23 blame more on me.

1 Q Well, that was part of the reason why you  
2 think you were dismissed, correct?

3 A Part of the reason why I think I was  
4 dismissed was because of the problems, yes.

5 Q Right. Okay. So, I mean, that statement is  
6 pretty much true that Doctor Blagburn told  
7 Doctor Janderlich.

8 A It's up for argument right now. You-all are  
9 saying that I didn't get dismissed because  
10 of any reason. And so, how can, in my  
11 agreement, yeah, you know.

12 Q That's correct.

13 A I got dismissed for a lot of reasons. And  
14 one of them that they said was that I had  
15 problems with people in their lab.

16 Q Okay.

17 A And that's why they dismissed me, that and  
18 other reasons, the cheating allegation.

19 Q Okay. Okay. Did -- And you're saying why  
20 were you damaged by the statement is because  
21 he didn't keep you on or what -- Explain  
22 that.

23 A Yes. It is damaging to tell an employer

1           that I was dismissed for these reasons  
2           without giving the whole side of it. And  
3           it's damaging.

4   Q    Okay.

5   A    It doesn't address the whole problem. It  
6           says that I had the problem.

7   Q    Right. If the statement was made before the  
8           time you went to work there and Doctor  
9           Janderlich still gave you a job, then would  
10          you agree that it wouldn't be damaging to  
11          you?

12   A    He -- Doctor Janderlich could have taken  
13          that statement in, put it in the back of his  
14          head, used me for a break for him to have a  
15          vacation, and used that statement to make a  
16          decision on that he never planned on keeping  
17          me longer than a vacation for himself.

18   Q    Do you think there were other reasons why  
19          Doctor Janderlich might not have kept you  
20          on?

21   A    There may have been.

22   Q    I mean, do you think you were a good  
23          employee for Doctor Janderlich? Did you

1 ever have any problems with him?

2 A No.

3 Q Not at all?

4 A Not that -- I mean, not that I would term  
5 problems and not that I can even talk about.

6 Q Okay. Would you have any reason to dispute  
7 Doctor Janderlich if he said that he didn't  
8 retain you as an employee for reasons  
9 unrelated to that statement from Doctor  
10 Blagburn?

11 A I would have to see what those reasons were  
12 at the time, whether I dispute them or not.

13 Q Okay. All right. Look at statement D.  
14 "Statements were made to the Alabama  
15 Veterinary Wellness Program that were  
16 defamatory. He was OCD on drugs and  
17 bipolar." Statements were made. Who made  
18 statements?

19 A Who made those statements?

20 Q Yeah.

21 A The guy at the Alabama Wellness Committee  
22 told me that a professor in pathobiology had  
23 made those statements, and that I was

1 suffering from OCD, bipolar, and bipolarism,  
2 and drug abuse.

3 Q Okay. He never told you which professor in  
4 pathobiology?

5 A Never told me which one exactly.

6 Q Okay. So, you don't know who made those  
7 statements from the Alabama Professional  
8 Wellness Committee?

9 A Only if one of the defendants had admitted  
10 to it in the answer.

11 Q Okay. Do you know if that's the case?

12 A It said that you-all admit that someone did  
13 call the Alabama Wellness Committee.

14 Q Do you have any indication or any guess as  
15 to who potentially made those statements?

16 A I guess. Should I guess?

17 Q No, let me move on. How were you damaged?

18 I mean, what happened as a result of  
19 those -- that statement. And tell me this:  
20 What you just told me about him saying  
21 someone said someone -- you say it was a  
22 professor in pathobiology made a statement  
23 that you were OCD, on drugs, and bipolar.

1 That's all he said about the statement, the  
2 context of the statement, what was exactly  
3 said? Okay.

4 A That was enough where someone was talking  
5 about me saying -- accusing me of being OCD,  
6 bipolar, and on drugs. I was very scared  
7 that my license and my name was being  
8 defamed by these statements. And if it goes  
9 here, where else is this stuff being said?

10 Q Okay.

11 A And is it what they think about me?

12 Q Do you know -- I mean, if the professor --  
13 did he say -- he said that you were OCD, on  
14 drugs, and bipolar, that you may be OCD, on  
15 drugs, and bipolar?

16 A I'm not sure whether he said that he was or  
17 he did. I didn't make that conversation.

18 Q Right.

19 A And so, it's enough to have your name in the  
20 same sentence as OCD, bipolar, and drug  
21 abuse when you're a licensed veterinarian.

22 Q Right. What happened as a result of that  
23 accusation or that -- that you're alleging

1 here? What did they do?

2 A What did who do?

3 Q The Alabama Professional Wellness Committee?

4 A Contacted me and discussed those things with  
5 me, and recommended counsel if I needed  
6 some.

7 Q Okay. That's all that happened?

8 A To my knowledge, that's all that happened,  
9 besides it causing distress in my life as to  
10 what is going on. Why are the professors in  
11 pathobiology telling people I have OCD,  
12 bipolarism, and drug abuse? What is the  
13 goal there?

14 Q Do you know -- I mean, did that affect your  
15 employment in any manner?

16 A Employment where?

17 Q Anywhere. Present job or your ability to  
18 get a job.

19 A It affected my ideas of employment in Auburn  
20 and at the university, that people there  
21 thought I was suffering from these things.

22 Q Okay.

23 A And I felt like I needed to get away from



1           that and didn't feel comfortable with people  
2           around saying that kind of stuff.

3   Q       You never applied for a job in Auburn or at  
4           the university, though, correct?

5   A       After December 3rd, no.

6   Q       Right. Okay. So, you don't know if  
7           anybody -- Or there was never a time when  
8           anybody said we heard these complaints  
9           related to bipolarism, OCD, and the  
10          potential drug abuse, we're not going to  
11          give you a job, or you're fired from this  
12          job because of that, correct?

13   A       I don't know and may never know if someone  
14          denies me of a job because of these  
15          statements.

16   Q       But you --

17   A       I don't know.

18   Q       Correct. You don't know. Okay. What is  
19          the Alabama Veterinary Professional Wellness  
20          Committee, that you know of?

21   A       To my knowledge, it's -- Breaking down from  
22          what it says, it's a committee that's in  
23          charge of Alabama veterinarians overall

1 wellness. And it's made up of MDs, and I  
2 guess -- A good word, I guess, would be  
3 assuming some veterinarian.

4 Q Okay. At the time these statements were  
5 allegedly made, you were a veterinarian?

6 A Yes.

7 Q Licensed?

8 A Yes.

9 Q Okay. So, I mean, they were kind of a  
10 governing body related to that?

11 A Right. Yes.

12 Q Do you know if within the veterinarian  
13 community if someone suspects that somebody  
14 may be having problems, is there any kind of  
15 duty or obligation to report potential  
16 problems to this committee?

17 A There may be if, you know, someone has  
18 talked to you, or, you know, know of  
19 alcoholism or some kind of drug abuse. But  
20 to diagnose me with OCD and bipolarism,  
21 which I've never been diagnosed with, I  
22 don't think that's anybody's job --

23 Q Well, you don't know if somebody --

1 A -- or within their scope.

2 Q -- diagnosed you, correct? I mean, you told  
3 me earlier, you said, "Well, I don't know if  
4 they said he may be OCD or bipolar or, he  
5 is."

6 A That's correct.

7 Q Okay. And you don't know if these  
8 statements were made with malice by anyone.  
9 I mean, for all that you know, whoever made  
10 these statements could have legitimately  
11 been trying to help you and thought they had  
12 a duty to make those statements or to inform  
13 the Professional Wellness Committee.

14 A To me, I find them very defamatory.

15 Q Okay. But you don't know the reasoning  
16 behind those statements --

17 A No one discussed it with me.

18 Q -- by the actual person. Okay. That's a  
19 yes?

20 A No.

21 Q Or, no, you don't know the reasons?

22 A I don't know the reasons.

23 Q Okay.

1 A That's correct.

2 Q All right. Statement E: Elizabeth Landreth  
3 heard that Chris Eiland was dismissed from  
4 Auburn University for bad behaviour and  
5 using drugs." Who is Elizabeth Landreth?

6 A A worker in the histopathology lab.

7 Q And who did she hear that you were dismissed  
8 from Auburn University for bad behavior and  
9 using drugs? Who did she hear that from?

10 A I'm not completely sure who she heard that  
11 from.

12 Q Okay. You don't know if any of the  
13 defendants made that statement. Who did she  
14 hear that from?

15 A All I -- I'm not sure who she heard that  
16 from for sure.

17 Q Okay. It could have been a student?

18 A It could have been Doctor Blagburn. It  
19 could have been Doctor Hendrix. It could  
20 have been another employee.

21 Q Student?

22 A It could have been a student.

23 Q Okay. And you don't know if any of the

1 defendants made that statement, correct?

2 A For sure, no.

3 Q Okay. How have you been damaged by her  
4 finding -- hearing that you were dismissed  
5 for using drugs and bad behavior?

6 A In itself it's damaging to be using drugs  
7 and having bad behavior. But it's in --  
8 when they -- She also notified my wife's  
9 family of those statements. And that that  
10 was what happened was that I was dismissed  
11 for bad behaviour and that.

12 Q Okay. Have you lost employment or didn't  
13 receive a job because of this particular  
14 statement that was made to Elizabeth  
15 Landreth?

16 A Not that I know of. Just emotional stress  
17 and...

18 Q Okay. Do you have any kind of disability?

19 A No.

20 Q Okay. Have you ever been diagnosed with a  
21 mental illness or anything like that?

22 A No.

23 Q Okay. Do you think you have any problems or

1 mannerisms or anything that could be  
2 perceived as a disability?

3 A No.

4 Q Were you on any kind of medication in the  
5 summer or fall of 2003?

6 A No, not that I remember.

7 Q Okay. Were you using any kind of illegal  
8 drugs during that time?

9 A No.

10 Q Okay. Were you abusing legal drugs?

11 A No.

12 Q Okay. You have a claim under the  
13 Rehabilitation Act of 1973. I mean, do you  
14 believe that you are perceived as having a  
15 disability?

16 A I believe that I was perceived as having a  
17 disability.

18 Q And what disability is that?

19 A OCD, bipolarism, drug abuse.

20 Q Okay. Why do you believe that you were  
21 perceived to have that -- have a disability?

22 A Why do I believe I was perceived --

23 Q Yes. Right.

1 A -- to have that disability?

2 Q Uh-huh (positive response).

3 A Because someone notified the Alabama  
4 Wellness Committee that they thought that I  
5 had those disabilities, the OCD, bipolarism,  
6 and drug abuse.

7 Q Okay. Do you know when -- When was the  
8 committee notified of that? Do you know  
9 when time frame on that was?

10 A I was notified in December of 2003, and  
11 it -- to my recollection, it was the  
12 committee had been recently notified.

13 Q They notified you in December of 2003, the  
14 committee notified you?

15 A Yes.

16 Q Okay. Again, though you have no idea who  
17 made -- or you don't know who made those  
18 statements, alleged statements, to the  
19 Professional Wellness Committee, correct?

20 A I don't know for sure, no.

21 Q Okay. You don't think it was Doctor  
22 Blagburn, though, do you?

23 A I'm not sure who it was.

1 Q Okay. Well, I mean --

2 A For sure.

3 Q Well, as we're sitting here today, I mean,  
4 do you think that Doctor Blagburn perceived  
5 you as having a disability?

6 A You know, he sure could have perceived me to  
7 have a disability. He got --

8 Q You don't know that, do you, Chris?

9 A How am I going to know? You know, you're  
10 asking me questions about --

11 Q I mean, maybe he told you. I mean, maybe he  
12 told someone else. You don't have any  
13 facts -- You can't point to any facts that  
14 suggests that he perceived you as having a  
15 disability, correct?

16 A Facts that he perceived me to have a  
17 disability?

18 Q Right.

19 A No, besides letting me go.

20 Q Okay. And when he let you go, he never  
21 mentioned anything about -- Well, when you  
22 alleged that he let you go, you don't recall  
23 him saying anything about a disability?



1 A He talked about my behavior and some things  
2 that I had done. And he could have been  
3 basing that on the idea that I was suffering  
4 from OCD or bipolar. But that might have  
5 helped him explain my behavior, bipolarism.

6 Q But, again, you're speculating. You don't  
7 know; is that correct?

8 A You're asking me to speculate.

9 Q Well, and that's what you're doing, though,  
10 correct?

11 A Correct.

12 Q Okay. And, again, I think I asked this, and  
13 I apologize if I did. You know of no facts  
14 that Doctor Blagburn ever said, "I perceive  
15 Chris as having a disability," or that  
16 "Chris has a disability." There's no facts  
17 that you can point to?

18 A I've never -- I don't remember him saying  
19 that exactly.

20 Q Okay. And the only thing that forms the  
21 basis of this claim is the allegations of  
22 statements made to the Professional Wellness  
23 Committee that you don't know who made,

1 correct?

2 A I'm sorry. Repeat that.

3 Q What forms the basis of this claim is the  
4 alleged statements made to the Professional  
5 Wellness Committee.

6 A Any statements of that, OCD, bipolarism, and  
7 I'm sure it affected the Alabama Wellness  
8 Committee.

9 Q Right. But that's the only thing that  
10 you're basing this claim on are those  
11 statements.

12 A If they come forward and say that, you know,  
13 they base some of their actions on that  
14 information, then I'd like to add, you know,  
15 that to it. But to my knowledge, right now  
16 is the Alabama Wellness Committee.

17 Q Okay. What about Doctor Hendrix? Did he  
18 ever tell you that he perceived you as  
19 having a disability or thought that you did  
20 have a disability?

21 A Not that I remember exactly in those words.

22 Q Well, did he imply that at any time?

23 A Looking back on how they treated me, I think

1           that they were perceiving something going  
2           on, that I had been there with them for  
3           seven years and now something has changed.  
4           I don't know what their perception was, but  
5           it changed with their actions.

6   Q       Okay. What about Doctor Wolfe?

7   A       He never said exactly --

8   Q       Okay.

9   A       -- those things.

10   Q       And you don't know if he did perceive you as  
11           having a disability?

12   A       I'm not sure if he said it to somebody or  
13           not, or I'm not sure what he perceived.

14   Q       Okay. And the same thing with Doctor  
15           Hendrix and Doctor Blagburn. You don't  
16           know -- you're speculating, but you don't  
17           know if they perceived you as having a  
18           disability, correct?

19   A       I'm speculating that somebody perceived me,  
20           yes, to have a disability. Whoever called  
21           the Alabama Wellness Committee.

22   Q       You don't know is the question. It's  
23           speculation. You don't know.

1 A I don't know what other people think.

2 Q Okay. Doctor Janicki?

3 A Also him.

4 Q You don't know, but you're speculating that  
5 he might have perceived you with a  
6 disability?

7 A He might have.

8 Q Okay. But you don't know?

9 A I don't know.

10 Q Okay. Ed Richardson, Doctor Richardson?

11 A I don't know what he thinks. I can only  
12 speculate on those things.

13 Q Do you speculate that he perceived you as  
14 having a disability?

15 A If one of them told him, then he might  
16 perceive me to have that disability.

17 Q You don't know if any of them --

18 A I'm not sure what they're talking about.

19 Q Okay.

20 A They didn't always let me in on everything  
21 that they discussed.

22 Q Okay. I mean, who is this claim against is  
23 what I'm trying to figure out.

1 A The person in pathobiology who made the  
2 claim to the Alabama Wellness Committee, and  
3 the people who made actions on that.

4 Q Okay. And you don't know who that is,  
5 though.

6 A I'm hoping that we can find that out for  
7 sure through subpoenas, but I'm not sure  
8 right now. I can't answer it.

9 Q I mean, do you really think, though, that  
10 you were dismissed from -- you allege you  
11 were dismissed from the parasitology lab and  
12 the department of pathobiology for having a  
13 disability or a perceived disability? Or do  
14 you think that it's more based on -- because  
15 what I was hearing up until now was it's the  
16 cheating was the straw that broke the  
17 camel's back. And it was the problems  
18 between you and the female students. I  
19 haven't heard anything about a disability.

20 A And I am also -- I'm sure I got dismissed.

21 Q Right.

22 A They dismissed me. They brought up many  
23 straws that broke the camel's back. And

1       they never gave me a clear definition of  
2       what exactly I had been accused of all  
3       along. They let straws pile up on the  
4       camel's back. They only made references to  
5       these things. So, I'm not sure if the  
6       disability affected them or not. But if  
7       they thought that, I don't see how it could  
8       influence them.

9       Q     Okay. If they did perceive you with a  
10       disability, to have a disability, do you  
11       think any accommodations could have been  
12       made to help you perform your job in the  
13       parasitology lab better?

14       A     If they would have perceived me to have that  
15       disability, I think we could have worked  
16       something out --

17       Q     Okay.

18       A     -- so that it wouldn't look like that any  
19       more, and they wouldn't feel that way.

20       Q     Who dismissed you from the parasitology  
21       lab --

22       A     I was dismissed --

23       Q     -- or terminated your employment?

1 A -- altogether by Doctor Blagburn, who said  
2 Doctor Wolfe told him to get rid of me, or  
3 he would, and to turn in my keys to that lab  
4 and to turn in my research and clear out my  
5 stuff.

6 Q Okay.

7 A And that I would make a great  
8 parasitologist, just not at Auburn.

9 Q Right. Did Doctor Richardson have anything  
10 to do with your termination from the  
11 parasitology lab?

12 A Not to my knowledge, no.

13 Q Doctor Janicki?

14 A Did he --

15 Q Yes.

16 A -- have something to do with --

17 Q Right.

18 A -- my termination in the parasitology lab?

19 Q Yeah.

20 A I think he influenced it in some way.

21 Q Doctor Hendrix?

22 A He may have influenced it.

23 Q You don't know one way or the other?

1 A I don't know what he did --

2 Q Okay.

3 A -- to help me get dismissed.

4 Q How has all of this -- How have you been  
5 damaged by all of this, your perceived  
6 dismissal, alleged dismissal? I mean...

7 A Besides, you know, the stress and the  
8 emotional impact and the time it took to  
9 recover from the damage that was done from  
10 this action, it was very stressful and  
11 confusing for me on what I was going to do  
12 because I had planned to finish my PhD in  
13 parasitology. And my future was to teach at  
14 Auburn and be a professor and teach  
15 veterinary students about parasitology. It  
16 would possibly go into a pharmaceutical  
17 field.

18 With this happening, I lost my  
19 research. I lost a good possibility of a  
20 job at Auburn. And I think my name at  
21 Auburn will always be tarnished.

22 What else were you asking me?

23 Q Well, tell me this: Did you go to work



1 after this happened in the fall of 2003?

2 A I found part-time work as a relief  
3 veterinarian.

4 Q Where was that?

5 A At a few clinics as they needed some relief  
6 days and at an emergency clinic in  
7 Montgomery.

8 Q Okay. How much were you making?

9 A You've got that information, and right off  
10 the top of my head, it would be a guess.

11 Q What was the name of the clinic?

12 A Which one?

13 Q The one that you went to work for right  
14 after this happened, the one in Montgomery.

15 A Animal Emergency Clinic of Montgomery.

16 Q Okay. Why did you leave that employment?

17 A It was a temporary position. The job was  
18 supposed to be filled with a veterinarian  
19 who had two years of experience -- of  
20 clinical experience. And they were  
21 short-handed and took me on for awhile, but  
22 it was not a permanent job.

23 Q Okay. Where did you go after that?